

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>MOVIE GALLERY US, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	<b>CIVIL ACTION NO. 1:07CV1032-MHT</b>
<b>MARK W. GREENSHIELDS,</b>	)	
<b>ASSOCIATED SOURCING, and</b>	)	
<b>ASSOCIATED SOURCING HOLDINGS,</b>	)	
<b>INC. d/b/a VIDEO LIBRARY</b>	)	
	)	
<b>Defendants.</b>		

**MOTION TO STRIKE DEFENDANTS' REPLY BRIEF RE PROTECTIVE ORDER**

Movie Gallery US, LLC ("Plaintiff" or "Movie Gallery") hereby moves to strike Defendants' "Reply Brief Re Protective Order" ("Reply Brief") (Pacer Doc. 40) filed in this Court on March 14, 2008. In support of this motion, Movie Gallery states as follows:

1. On March 6, 2008, the parties to this action filed a "Joint Statement re Proposed Protective Order." ("Joint Statement") (Pacer Doc. 37.). Pursuant to the Joint Statement, the parties "agreed that they will each submit **a brief, not to exceed five (5) pages**, outlining their reasons for their position, no later than March 13, 2008 and that the Court should decide the issue promptly **on the basis of the briefs submitted.**" Joint Statement 2 (emphasis added).

2. Both parties filed briefs pursuant to the Joint Statement on March 13, 2008. (Pacer Docs. 38; 39.)

3. However, on March 14, 2008, Phillip Cutler, lead counsel for Defendants, disregarded the terms of the Joint Statement (which he drafted, signed, and filed) and filed the Reply Brief. As the cited provision from the Joint Statement indicates, the Joint Statement did

not contemplate such a filing. Indeed, Mr. Cutler filed the Reply Brief without consulting with the undersigned (or any counsel for Movie Gallery) and without leave from this Court.

4. In compliance with the terms of the Joint Statement, Movie Gallery will not submit an additional brief in support of its position. In the alternative, should this Court not strike the Reply Brief, Movie Gallery respectfully requests leave of Court to file an additional brief in support of its position.

WHEREFORE, premises considered, Movie Gallery respectfully requests this Court to strike Defendants' "Reply Brief Re Protective Order" ("Reply Brief") (Pacer Doc. 40). Alternatively, should this Court not strike the Reply Brief, Movie Gallery respectfully requests leave of Court to file an additional brief in support of its position.

DATE: March 14, 2008

/s J. Ethan McDaniel  
Jeffrey M. Grantham (GRA048)  
M. Lee Huffaker (HUF011)  
J. Ethan McDaniel (MCD065)  
Attorneys for Plaintiff Movie Gallery

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 14, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Charles Andrew Stewart, III  
Quindal C. Evans  
John Edward Goodman  
Philip E. Cutler  
Robert G. Nylander

/s J. Ethan McDaniel  
OF COUNSEL